

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

LAS VEGAS SANDS CORP.,)

Plaintiff,)

vs.)

XIAOLONG LI, YANG DAWEI, YANG)

GUANGLIANG, FA DA, JIANGHONG)

WANG, AND THE UNKNOWN)

REGISTRANTS OF: www.0077.net,)

www.ca0011.com, www.ca0022.com,)

www.ca0033.com, www.ca0044.com,)

www.ca0055.com, www.ca1066.com,)

www.ca0099.com, www.036.net,)

www.j111888.com, www.j222888.com,)

www.j333888.com, www.j666888.com,)

www.4337.com, www.js722.com,)

www.3863jsc.com, www.111111.com,)

www.lz000.com, www.lz009.com,)

www.lz11888.com, and www.929266.com,)

Defendants.)

) Case No.: 2:15-cv-2340-GMN-VCF

ORDER

Pending before the Court are the *ex parte* Motion for Temporary Restraining Order

(ECF No. 2) and *ex parte* Motion for Preliminary Injunction (ECF No. 3) filed by Las Vegas

Sands Corp. (“Plaintiff”) on December 9, 2015. Plaintiff has alleged that Xiaolong Li, Yang

Dawei, Yang Guangliang, Fa Da, Jianghong Wang, and the unknown registrants of:

www.0077.net, www.ca0011.com, www.ca0022.com, www.ca0033.com, www.ca0044.com,

www.ca0055.com, www.ca1066.com, www.ca0099.com, www.036.net, www.j111888.com,

www.j222888.com, www.j333888.com, www.j666888.com, www.4337.com, www.js722.com,

www.3863jsc.com, www.111111.com, www.lz000.com, www.lz009.com,

www.lz11888.com, and www.929266.com (“Defendants”) have, *inter alia*, committed

1 trademark infringement by “display[ing] unauthorized and infringing reproductions of the
 2 SANDS Mark, the Sunburst design, and/or the Jinsha characters.” (Complaint ¶ 22–23, ECF
 3 No. 1).

4 In order to succeed on its motion, “[a] plaintiff seeking a preliminary injunction must
 5 establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in
 6 the absence of preliminary relief, that the balance of equities tips in his favor, and that an
 7 injunction is in the public interest.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20
 8 (2008). Injunctive relief is “an extraordinary remedy that may only be awarded upon a clear
 9 showing that the plaintiff is entitled to such relief.” *Id.* at 22.

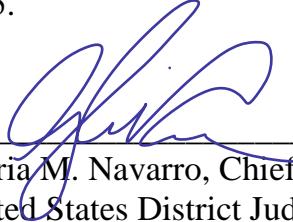
10 In the Ninth Circuit, “actual irreparable harm must be demonstrated to obtain a
 11 permanent injunction in a trademark infringement action.” *Herb Reed Enters., LLC v. Fla.*
 12 *Entm’t Mgmt., Inc.*, 736 F.3d 1239, 1249 (9th Cir. 2013). Accordingly, while “loss of control
 13 over business reputation and damage to goodwill could constitute irreparable harm,” a court’s
 14 finding of such harm cannot be “grounded in platitudes rather than evidence.” *Id.* at 1250.

15 Here, Plaintiff has failed to present any evidence with their motions showing irreparable
 16 harm. Instead Plaintiff merely argues that “the gambling public is aware of the Defendants’
 17 and similar online casino, have had negative experiences with them, and have associated those
 18 negative experiences with Las Vegas Sands.” (Mot. for TRO 28:19–21, ECF No. 2). While
 19 Plaintiff provides an email stating such claim, (*id.* at 28:21–27), the email was from a different
 20 case with different defendants. Plaintiffs further allege that “there are additional customers
 21 who have been deceived and confused by the Defendants’ use of the SANDS Mark on their
 22 online casinos but who have not reported the Defendants’ fraudulent conduct to Las Vegas
 23 Sands.” (*Id.* at 29:4–6). However, without evidence of such additional customers, Plaintiff’s
 24 claim falls under “speculation on future harm, [which] does not meet the standard of showing
 25 ‘likely’ irreparable harm.” *Herb Reed Enters.*, 736 F.3d at 1250. Currently, there is no showing

1 before the Court that Plaintiff has been harmed in the way it alleges in its motions. The Court
2 cannot grant these motions without such a showing. Accordingly,

3 **IT IS HEREBY ORDERED** that Plaintiff's Motion for Temporary Restraining Order
4 (ECF No. 2) and Motion for Preliminary Injunction (ECF No. 3) are **DENIED without**
5 **prejudice.**

6 **DATED** this 11 day of December, 2015.

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9 Gloria M. Navarro, Chief Judge
United States District Judge

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